

# **Zoning Administrator Hearing**

## *Minutes*



**John S. Gendron  
Hearing Officer**

**August 11, 2009 – 1:30 p.m.**

View Conference Room, 2<sup>nd</sup> Floor  
55 North Center Street  
Mesa, Arizona, 85201

**Staff Present**

Jeff McVay  
Mia Lozano-Helland  
Lesley Davis  
Wahid Alam

**Others Present**

Leslie Wilson  
Guillermo Orozco

**CASES:**

Case No.: ZA09-035

Location: 1628 East 1<sup>st</sup> Place

Subject: Requesting a variance to allow an addition to encroach into the required side yard setback in the R1-6 zoning district.

Decision: Approved with conditions

- 1. Compliance with the site plan submitted.*
- 2. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits including partial garage and patio enclosure.*

Summary: Mr. Orozco represented the case and had no further items to add to the discussion. Staff presented the report and recommended approval. Mr. Gendron approved the request with conditions per the staff report.

**Finding of Fact:**

- 1.1** This property/lot is 6,473 square feet in size and the original house was built in 1955. The R1-6 zoning district for single residence requires a minimum setback of 20 feet in front and rear and minimum 5 feet, 15 feet total on side yards. The maximum roof area allowed is 40% of the lot area which totals 2,595.6 square feet.
- 1.2** The single story house has 1,000 sq. ft. of floor area. The applicant and owner purchased the home in 2000 in the current footprint.

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- 1.3** The current setbacks are 25 feet in the front, 36 feet 6 inches in the rear, 3 feet along west property line and 8 feet along east property line.
- 1.4** A new bathroom is 6 feet by 12 feet near the existing covered patio and partial enclosure of the carport and covered patio. The addition meets current required setbacks. However the original house was built with 3 feet side yard along the west property line compared to 5 feet required per current City Code.
- 1.5** This property is located in an area of mature single family homes built with setbacks that are less than those required by the current City Code. The setbacks are consistent with the other homes in the neighborhood.
- 1.6** To comply with the current City Code the permanent covered carport and patio structure would have to be demolished. This variance will allow the home owners to keep the carport and patio structure in its present form and shape.
- 1.7** This variance allows the existing 3 feet wide side yard setback along the west property line.

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Case No.: ZA09-036

Location: 2052 North 25<sup>th</sup> Street

Subject: Requesting a variance to allow a detached accessory building that exceeds the maximum roof area permitted in the R-4 zoning district.

Decision: Approved with the following conditions.

1. *Compliance with the site plan submitted.*
2. *Compliance with all applicable City of Mesa Codes and Regulations.*
3. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: Leslie Wilson represented the case and provided a brief explanation of his hobby collecting antique farm equipment and the need for storage on his property. After hearing the staff report by Ms. Davis, Mr. Gendron approved the request with the conditions listed in the report.

Finding of Fact:

- 1.1 This variance allows a detached accessory building that is greater than 50% of the roof area of the dwelling unit in an R-4 zoning district. The detached accessory building has a roof area of 2,400 square feet and the existing residence is 2,458 square feet. Current Code allows such a detached accessory building in the proposed location with a maximum area of 1,229 square feet. The property owner collects antique farm tractors, implements, small antique engines and a 1955 antique pick-up truck. The applicant stated the purpose of the garage is to store this collection and will not be used for commercial purposes
- 1.2 The storage building is 14-feet high at the highest point. It is located 30-feet from the south property line, 58-feet from the north property line, 6-feet from the west property line and 79-feet from the dwelling. The height and location of the building are in conformance with the required setbacks for a detached accessory building in the R-4 district.
- 1.3 The property has an existing single family home, but is zoned R-4. The property is just under an acre in size and was a full acre at the time the home was constructed, prior to right-of-way dedications. It appears that this property and the residential property to the north were by-passed when other properties developed around them leaving 25<sup>th</sup> Street as an unimproved dead end street. At the time the home was constructed the property met the minimum square footage and lot dimensions for an R1-43 lot, which allows a detached structure up to 100% of the size of the dwelling. Although the property is zoned R-4 it has always functioned more similarly to an R1-43 lot.
- 1.4 While not justification for a variance, it is important to note that the detached accessory building will have minimal impact or detrimental effect on neighboring properties. The property to the north is also a single-residence property with similarly sized buildings. The property to the south is a commercial development that is legal non-conforming, with one of the uses performing vehicle repair and outdoor storage of vehicles in the C-2 zoning district. It is also important to

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note that since purchasing this property the owner has cleaned up the property by removing a significant amount of trash and several old structures leaving only the dwelling unit.

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Case No.: ZA09-037

Location: 1301 West Broadway Road

Subject: Requesting a Special Use Permit to allow the number of special events to exceed the maximum allowed during the calendar year in the C-3 and M-1 zoning district.

Decision: Request withdrawn

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 1:45 p.m.

The cases for this hearing were digitally recorded and are available upon request.

Respectfully submitted,

John S. Gendron  
Hearing Officer

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